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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,580	02/22/2000	Richard A. Leeds	480169	4232
22504	7590	12/27/2005	EXAMINER	
DAVIS WRIGHT TREMAINE, LLP			VIG, NARESH	
2600 CENTURY SQUARE			ART UNIT	PAPER NUMBER
1501 FOURTH AVENUE				
SEATTLE, WA 98101-1688			3629	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/510,580	LEEDS, RICHARD A.	
	Examiner Naresh Vig	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 October 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 48-105 and 113-135 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

This is in reference to claims filed 21 July 2003 wherein applicant has cancelled all of previously pending claims 1 – 47 and added new claims 48 – 135. In response to restriction requirements received 08 December 2003 applicant elected claims 48 – 105 and 113 – 135 without traverse for examination. There are 81 claims, claims 48 – 105 and 113 – 135 pending for examination of which 12 claims are independent claims.

Taken as a whole the claims recite an undue multiplicity of claims by virtue of the unreasonable number of claims presented would tend to obfuscate, confuse, and bedcloud the claimed invention. Because the examiner believes that in his judgment that twenty (20) claims are sufficient to properly define applicants' invention, applicants are required to select certain claims, not to exceed twenty for examination on the merits of which no more than three are independent claims. To be complete **the non-selected claims must be cancelled** or the applicant(s) must present appropriate arguments as to why the above rejection is in error. Note most patents (80%) have less than twenty claims (See Federal Register: October 5, 1998 (Volume 63, Number 192, Page 53507). Note also the new excess claim fees effective 12/8/04 as evidence of what is considered to be unreasonable.

It is further noted that it would appear that a multiplicity of inventions also appear to be involved and the applicants are requested to group their selection accordingly to read on a single invention. The applicant should group the claims according to what he believes to be distinct inventions that may be restricted in a subsequent action.

Applicants are being afforded the courtesy of a written response due to the complexity of the case.

In reference to response to Requirement For Information under 37 CFR 1.105 received by the office on 07 October 2005 applicant has provided RFC 1034 as reference for DNS. Applicant is requested to provide the RFC or some other document to help understand how reverse DNS works and the structure of the information which helps determine user's geographic location.

Applicant argues that collection of data, analysis of collected data from a remote computer including search requests, URLs, hidden data, usage of reverse DNS is applicant's invention in the context of the system. Applicant is requested to clarify what is considered to be prior art and what modification to the prior art does the applicant claims to the invention.

Applicant's argument that supercookie is recent term coined by Mr. Gibson in 2004 long after applicant's filing date is noted by the examiner.

Applicant argues that "applicant's invention is based on using hidden header data along with private and public databases to determine 'shopper characteristics' for user of the remote system; the use of header data can be done on a first visit before the user has been cookied." What are private databases and public databases and what information is used from those databases to determine 'shopper characteristics'. Applicant is requested to provide 5 – 10 examples of the contents in these databases to help understand applicant's claimed invention.

Applicant has claimed limitation for example in claim 48, "software installed on the shopper's computer at the time of the current communication". Is this software a spyware (terminology used by one of ordinary skill in the art). To expedite the prosecution of this application, please provide search terminology which the examiner can use for searching the type of software that the applicant claims as their invention.

Applicant argues that "applicant does not claim use of the information (cookies) on user's computer alone is the invention, but claims the use of the Internet header fields in the current communication is the novel". Applicant is requested to provide 5 – 10 examples header fields and how one of ordinary skill in the art would use the header fields to produce concrete and tangible results by using applicant's invention.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

December 22, 2005